


Overview of Clean Water Act (CWA) Section 319 Grant Program and Guidelines

Call-in # 866-358-1366 and CODE # 202-566-1150



Today I am going to give you an overview of the Clean Water Act Section 319 grant program and guidelines for tribes.



CWA Section 518



- **Authorizes EPA to treat federally recognized Tribes in the same manner as states (TAS) and to extend grants to Tribes funded through CWA Section 319**

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Clean Water Act Section 518 authorizes EPA to treat federally recognized Tribes in the same manner as states – also known as Treatment as a State or TAS – and to extend to Tribes grants funded through Clean Water Act Section 319.



CWA Section 319




- **Assists States and eligible Tribes through grant funds to develop and implement polluted runoff control programs that address critical water quality concerns and achieve positive environmental results**


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But, first, what is Clean Water Act Section 319? Clean Water Act Section 319 assists States and eligible tribes through grant funds to develop and implement polluted runoff control programs that address critical water quality concerns – identified in your 106 program or in other monitoring programs – and to achieve positive environmental results.



CWA Section 319 National Program Facts




- **From 1997 to 2009, eligible Tribes have increased from 11 to 151**
- **Eligible Tribes represent more than 75% of all tribal land**
- **Approval of additional Tribes to be eligible to apply for funding is expected in 2009**




Here's some historical information about the Clean Water Act Section 319 program for Tribes from a national perspective. This program has grown so much in the last 12 years! From 1997 to 2009, eligible Tribes have increased from just 11 to 151 and representing more than 75% of all tribal land.








Every year, new Tribes continuously become eligible to apply for grant funding and we expect more Tribes to become eligible in 2009.



CWA Section 319 Grant Program Facts




- Tribes must be determined eligible for funding before they can apply
- Funding is available on an annual basis at the national level through EPA HQ to all eligible tribes
- CWA Section 319 grants typically have one-year project and budget periods




Some things you should be aware of about the Clean Water Act Section 319 grant program:








- First, you must be eligible for funding before you can even apply for funding. We will review the eligibility requirements throughout this webinar.
- Funding is available on an annual basis at the national level through EPA HQ in Washington, D.C. for all eligible Tribes. This is different from the Clean Water Act Section 106 program which is managed at the Regional level.
- Clean Water Act Section 319 grants typically have one-year project and budget periods.



Funding for CWA Section 319



- Congressional authorized funding
- Section 518 sets a funding cap on Section 319 grant funds awarded to Tribes of 1/3 of 1% of available 319 funding
- Congress has approved EPA's request to exceed this statutory cap every year since 2000
- It is anticipated that funding set aside for 319 tribal program will continue to rise depending on need, number of tribes entering the 319 program, and adequate Congressional appropriations

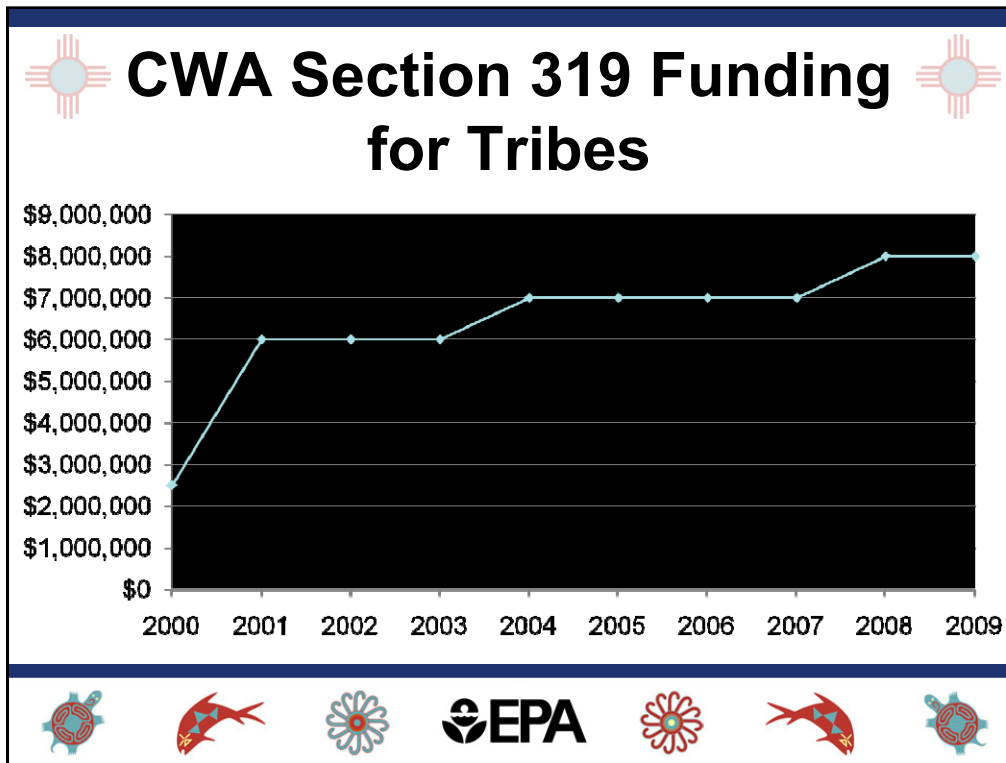


Funding for Clean Water Act Section 319 is made available through Congressional-authorized funding.

Currently Clean Water Act Section 518 sets a funding cap on Section 319 grant funds allocated to Tribes at 1/3 of 1% of the total available Section 319 funding.

But due to EPA's diligence, Congress has approved EPA's request to exceed this statutory cap every year since 2000.


The 319 grant program is still growing and it is anticipated that funding set aside for the Tribal 319 program will continue to rise depending on the need, number of Tribes becoming eligible to receive grant funding, and adequate Congressional appropriations.




Here's some background information on the level of funding since 2000 when the statutory cap was first removed by Congressional approval.

In 2000, we had about \$2.5 Million then in 2001 funding increased dramatically to \$6 Million for the next couple of years. Then in 2004 funding jumped again to \$7 Million for about 3 years and for the last two years, the national Tribal 319 program was allocated \$8 Million.








There is a possible increase to \$9 Million in FY2010 but it is subject to adequate Congressional appropriations and it is not determined as yet.



Funding for Tribal CWA Section 319 Programs




- **Base Grants:**
 - \$30,000 for Tribes with 1,000 sq miles / 640,000 acres or less
 - \$50,000 for Tribes with 1,000 sq miles / 640,000 acres or more
- **Competitive Grants:**
 - Up to \$150,000 of federal funding regardless of land size




So how does funding to Tribes work? First, we have a base grant program where Tribes – that applied for funding - are allocated funds based on their land area. If you have 640,000 acres or less of land then you are allocated \$30,000 and if you have more than 640,000 acres, you are allocated \$50,000.








After all the base allocations are made to Tribes, whatever amount remaining from the overall pot of money is up for competition for all Tribes, regardless of land size. Tribes applying for competitive funds can request up to \$150,000 of federal funding.



Funding for Tribal CWA Section 319 Programs



- **Match Requirement (of total project costs)**
 - **Non-Federal = 40%**
 - **Demonstrate Financial Hardship = 10%**
 - **Inclusion in a PPG = 0 – 10%**



Please note that there is a match requirement for Clean Water Act Section 319 federal funds. The match is calculated based on the total project costs. The non-federal match is 40% of the total project costs. For example, if you applied for \$30,000 of base funding, then you must match \$20,000 of non-federal funds for a total project budget of \$50,000.


However, if providing the full 40% match causes financial hardship for the Tribe, then an authorized Tribal official can provide documentation that demonstrates providing 40% match causes financial hardship and the Regional Office can approve the match to be reduce to 10%.

If you include the 319 funds in your PPG, the match is 5% for the first two years then it changes to 0% up to 10% based on a variety of factors. You do not need to demonstrate financial hardship to meet the PPG match requirement. The American Indian Environmental Office (AIEO) at EPQ HQ is working on providing a nationally consistent method of making the determination for 0 to 10% match in a PPG. Please contact your Regional Coordinator for more information.




Here is a list of eligible activities you can do using Clean Water Act Section 319 funding...








- Road stabilization and removal
- Riparian planning and revegetation
- Stream channel reconstruction (perhaps fixing a stream channel due to high flow event)
- Low impact development and storm water management such as rain gardens
- Development of a watershed-based plan
- Livestock exclusion fencing from water bodies and providing alternate sources of water
- Protection of springs through fencing
- Septic system rehabilitation
- Development of NPS ordinance
- Project monitoring to monitor the water quality before, during, and after the project to show environmental results
- And many more... please contact your Regional Tribal NPS Coordinator for more information and if you have any questions about eligible activities.



Ineligible Activities





- **General monitoring of the status of reservation waters**
- **Implementing specific NPDES storm water permits**
- **Implementing permit application requirements of EPA's storm water regulations**
- **Operation and maintenance of NPS implementation projects**
- **NPS activities not identified in your NPS Management Program Plan**










There are also some activities that you can **not** do using Clean Water Act Section 319 funding such as:

- General monitoring on the status of reservation waters
- Implementing specific NPDES storm water permits
- Implementing permit application requirements of EPA's storm water regulations – both of these are requirements for the NPDES program to address point source issues
- Operation and maintenance of the project funded with Clean Water Act section 319 funding after project implementation
- Also, you can not implement any activities or projects not identified in your EPA-approved NPS Management Program Plan. We will discuss this further in the webinar.



CWA Section 319 Grant Program Eligibility Requirements

- **Tribes must go through a 2-step approval process at the EPA Regional Office:**
 - 1. Documentation of tribal eligibility (TAS)**
 - 2. NPS Assessment Report and Management Program Plan**



Now that we have reviewed the background information on Clean Water Act Section 319 including funding availability and activities you can and can not do with 319 funding – how can we get you eligible to apply for funding?

Tribes must go through a 2-step approval process at the EPA Regional Office – not HQ - and provide:

- Documentation of eligibility through the TAS process – very similar to the Clean Water Act Section 106 TAS process and
- NPS Assessment Report and Management Program Plan

The development of these can documents can be funded through your GAP program or Clean Water Act Section 106 – please check with your Regional Tribal NPS Coordinator for more information.

The two eligibility requirements will be the focus of the rest of this webinar. First we will review the TAS process and the development of the NPS Assessment Report and Management Program Plan.



Any Questions?

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Do you have any questions?